IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 13320 of 2004

Between:

Marri Nagamani, W/o Venkata Subba Rao,
R/o Chorugudi, Pamidimukkala Mandal, Krishna District.

... PETITIONER

AND

1 The District Collector, Krishna District at Machilipatnam.
2 The Mandal Revenue Officer, Pamidimukkala Mandal, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not issuing the pattadar pass book and title deeds in favour of the petitioner's minor son, namely M. Saichander in respect of the lands in Sy.No. 117/1, 331/1, 190/1, 190/2, 190/3 of Chorugudi village and sy.No. 192/1 of Penumasta village of Pamidimukkala

Mandal, Krishna district as arbitrary, illegal and violative of Provisions of A.P. Rights in Lands and Pattadar pass Book Act, 1971 and Rules made thereunder and pass such other order or orders.

Counsel for the Petitioner: MR.B.SOMASEKHAR

Counsel for the Respondents: ASST. GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for petitioner and also the learned Assistant Govt. Pleader appearing on behalf of the respondents.

2. By means of filing this writ petition under Article 226 of the Constitution of India, petitioner complains inaction on the part of second respondent in passing appropriate orders on the application made by him under Section 4 of the A.P.Rights in Lands and Pattadar Pass Books Act, 1971 (for short 'the Act') and the rules framed thereunder. It is stated that petitioner's brother-in-law who was the owner of agricultural lands situated at Chorugudi Village, Pamidimukkala Mandal, Krishna District executed a registered Will Deed, Dated 22-04-2004 in favour of the petitioner's minor son by name M. Sai Chander and after such execution of the said deed, he expired on 24-05-2004 due to Kidney failure. Thereafter, petitioner made a representation on 01-07-2004 for necessary mutation of the revenue records and issuance of pattadar pass book in favour of his minor son and filed the present writ petition on 28-07-2004 within four weeks from making such representation complaining inaction. If such application is filed, necessarily second respondent has to follow the procedure contemplated for rectification of the records after issuing due notice to the parties as per the Rules made under the above Act. In view of the same, petitioner cannot complain inaction on the part of the respondents in disposing of the said representation

within four weeks.

3. Having regard to the fact that petitioner already submitted an application, respondents are under obligation to follow the procedure contemplated under the Rules and dispose of the same within three months from the date of receipt of a copy of this order after due notice to the parties.

The writ petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

October 25, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER

To:

1 The District Collector, Krishna District at

Machilipatnam.

2 The Mandal Revenue Officer, Pamidimukkala Mandal,

Krishna District.

3 Two C.C. s to the G.P. for Revenue, High Court

Buildings, Hyderabad (OUT)

4 Two C.D. Copies.